

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MASSACHUSETTS
 WORCESTER DIVISION

SOLMETEX, INC.)	Civil Action No.: 04-CV-40024-NMG
)	
Plaintiff,)	Judge: Gorton
)	
v.)	
)	
MAXIMUM SEPARATION)	
SYSTEMS, INC.)	
)	
Defendant.)	

NOTICE OF CASE STATUS

Plaintiff SolmeteX, Inc. ("SolmeteX") respectfully submits this Notice of Case Status to provide the Court with an update regarding the status of the lawsuit filed in the United States District Court for the Western District of Washington involving similar parties and issues. As the Court will recall, Defendant Maximum Separation Systems, Inc. ("Maximum Separation") filed a lawsuit in the Western District of Washington after the instant action was filed alleging SolmeteX infringed the patent that is the subject of the instant action. In response, SolmeteX filed in the Western District of Washington a Motion to Stay or Transfer Venue pursuant to 28 U.S.C. § 1404(a). The Court in Washington on April 6, 2004, granted SolmeteX's Motion and ordered that the Washington action be transferred to this Court. In particular, the Washington Court found that the requirements of Fed. R. Civ. P. 4(k)(2) had been satisfied, and for the convenience of the parties and witnesses and in the interest of justice, it is appropriate for this action to proceed as opposed to the Washington action. A copy of the Order of the Washington Court transferring the Washington action to this Court is attached hereto as Exhibit A for the convenience of the Court.

SolmeteX will be submitting a motion to consolidate the transferred action with the instant action. Accordingly, Maximum Separation's Motion to Dismiss for Lack of Personal Jurisdiction and Improper Service is moot.

Respectfully submitted,

SOLMETEX, INC.

Dated: 9 April 2004

By:


Jonathan W. Fitch (168510)

jwf@sally-fitch.com

Kurt S. Kusiak (559254)

ksk@sally-fitch.com

Trial Attorneys for Plaintiff

Sally & Fitch

225 Franklin Street, 30th Floor

Boston, Massachusetts 02110-2804

Telephone: (617) 542-5542

Facsimile: (617) 542-1542

Of Counsel:

J. Robert Chambers (Ohio Reg. No. 0003942)

Bchambers@whepatent.com

Brett A. Schatz (Ohio Reg. No. 0072038)

Bschatz@whepatent.com

WOOD, HERRON & EVANS, L.L.P.

2700 Carew Tower, 441 Vine Street

Cincinnati, Ohio 45202

Telephone: (513) 241-2324

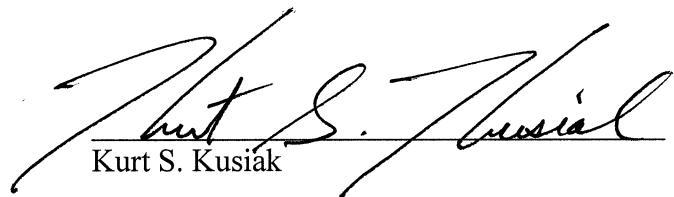
Facsimile: (513) 241-6234

Attorneys for Plaintiff

K:\SX\112\Massachusetts\Notice of Case Status.doc

CERTIFICATE OF SERVICE

I hereby certify that on 9 April 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: John M. Skenyon, counsel for Maximum Separation Systems, Inc., and I hereby certify that I have mailed by United States Postal Service the document to the following non CM-ECF participants: Jennifer L. Jolley and Rex B. Stratton, counsel for Maximum Separation Systems, Inc., Stratton Ballew, Suite 1313, 1218 Third Avenue, Seattle, Washington 98101.



Kurt S. Kusiak